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Atorneys for The Huntington Beach Gables Homeowners Association

UNITED STATES BANKRUPTCY COURT
CENTRAL DISTRICT OF CALIFORNIA – SANTA ANA DIVISION

In re:

Case No. 8:21-bk-11710-ES

JAMIE LYNN GALLIAN,

Chapter 7 Proceeding

Debtor

**DECLARATION OF BRANDON J.
ISKANDER REGARDING DEBTOR'S
FAILURE TO SET HEARING ON HER
AMENDED MOTION TO AVOID LIEN
UNDER 11 U.S.C. § 522(f) AS
REQUIRED BY LOCAL BANKRUPTCY
RULE 9013-1(o)**

[DOCKET NO. 147]

**TO THE HONORABLE ERITHE A. SMITH, UNITED STATES BANKRUPTCY
JUDGE, THE DEBTOR IN PRO PER, THE OFFICE OF THE UNITED STATES
TRUSTEE, THE TRUSTEE AND HIS COUNSEL, AND ALL PARTIES IN INTEREST:**

The Huntington Beach Gables Homeowners Association (“HOA”) hereby files the Declaration of Brandon J. Iskander regarding Debtor’s failure to comply with the Local Bankruptcy Rules, specifically Local Bankruptcy Rule 9013-1(o)(4), which provides that she must set a hearing on her Amended Motion to Avoid Lien Under 11 U.S.C. § 522(f) (“Amended Motion”) for hearing within 14 days of the filing of the HOA’s Opposition to the same.

DECLARATION OF BRANDON J. ISKANDER

I, Brandon J. Iskander, declare as follows:

1. I am an attorney duly admitted to practice before this Court. I am an associate of Goe Forsythe & Hodges LLP (the "Firm"), attorneys of record for the Huntington Beach Gables Homeowners Association. I am an individual above the age of 18 years and I have personal knowledge of the facts set forth herein. If called as a witness, I could and would competently testify thereto. I make this declaration in support of the HOA's Declaration Regarding Debtor's Failure to Set Hearing on her Amended Motion to Avoid Lien Under 11 U.S.C. § 522(f) As Required by Local Bankruptcy Rule 9013-1(o). All capitalized terms not otherwise defined herein shall have the meaning set forth in the Opposition.

2. Debtor filed the Amended Motion [Docket No. 147] on July 22, 2022 under Local Bankruptcy Rule 9013-1(o)(1).

3. On behalf of the HOA, the Firm filed an Opposition to the Amended Motion [Docket No. 178] (“Opposition”) on August 5, 2022 and served it on the Debtor through her counsel of record at the time, Bert Briones. (See Docket No. 172.) Mr. Briones since withdrew from the case on August 8, 2022 (See Docket No. 181).

4. It has been over 15 days since the Opposition was filed.

5. Local Bankruptcy Rule 9013-1(o)(4) provides that if the moving party fails to obtain a hearing date, the Court may deny the motion without prejudice, without further notice or hearing.

6. I am lodging an Order requesting that the Amended Motion be dismissed without prejudice based on Debtor's failure to comply with Local Bankruptcy Rule 9013-1(o) contemporaneously with this Declaration.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Executed at Irvine, California.

/s/ Brandon J. Iskander
Brandon J. Iskander

PROOF OF SERVICE OF DOCUMENT

I am over the age of 18 and not a party to this bankruptcy case or adversary proceeding. My business address is: 17701 Cowan Street, Suite 210, Irvine, CA 92614

A true and correct copy of the foregoing document entitled (*specify*): **DECLARATION OF BRANDON J. ISKANDER REGARDING DEBTOR'S FAILURE TO SET HEARING ON HER AMENDED MOTION TO AVOID LIEN UNDER 11 U.S.C. § 522(f) AS REQUIRED BY LOCAL BANKRUPTCY RULE 9013-1(o)** will be served or was served **(a)** on the judge in chambers in the form and manner required by LBR 5005-2(d); and **(b)** in the manner stated below:

1. TO BE SERVED BY THE COURT VIA NOTICE OF ELECTRONIC FILING (NEF): Pursuant to controlling General Orders and LBR, the foregoing document will be served by the court via NEF and hyperlink to the document. On August 30, 2022, I checked the CM/ECF docket for this bankruptcy case or adversary proceeding and determined that the following persons are on the Electronic Mail Notice List to receive NEF transmission at the email addresses stated below:

Service information continued on attached page

2. SERVED BY UNITED STATES MAIL:

On *(date)* August 30, 2022, I served the following persons and/or entities at the last known addresses in this bankruptcy case or adversary proceeding by placing a true and correct copy thereof in a sealed envelope in the United States mail, first class, postage prepaid, and addressed as follows. Listing the judge here constitutes a declaration that mailing to the judge will be completed no later than 24 hours after the document is filed.

Michael D Poole
Feldsott & Lee
23161 Mill Creek Dr Ste 300
Laguna Hills, CA 92653

Janine Jasso
PO Box 370161
El Paso, CA 79937

Jamie Lynn Gallian
16222 Monterey Ln Unit 376
Huntington Beach, CA 92649

Service information continued on attached page

3. SERVED BY PERSONAL DELIVERY, OVERNIGHT MAIL, FACSIMILE TRANSMISSION OR EMAIL

(state method for each person or entity served): Pursuant to F.R.Civ.P. 5 and/or controlling LBR, on *(date)* August 30, 2022, I served the following persons and/or entities by personal delivery, overnight mail service, or (for those who consented in writing to such service method), by facsimile transmission and/or email as follows. Listing the judge here constitutes a declaration that personal delivery on, or overnight mail to, the judge will be completed no later than 24 hours after the document is filed.

- The Honorable Erithe A. Smith, USBC, 411 West Fourth Street, Santa Ana, CA 92701
(document delivery is suspended due to COVID 19 protocols)

I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct.

August 30, 2022

Date

Susan C. Stein

Printed Name

/s/Susan C. Stein

Signature

1 Mailing Information for Case 8:21-bk-11710-ES

2 **Electronic Mail Notice List**

3 The following is the list of parties who are currently on the list to receive email notice/service for this case.

- 4 • Bert Briones bb@redhilllawgroup.com,
5 helpdesk@redhilllawgroup.com;RedHillLawGroup@jubileebk.net
- 6 • Aaron E DE Leest adeleest@DanningGill.com,
danninggill@gmail.com;adeleest@ecf.inforuptcy.com
- 7 • Robert P Goe kmurphy@goeforlaw.com, rgoe@goeforlaw.com;goeforecf@gmail.com
- 8 • Jeffrey I Golden (TR) lwerner@wgllp.com, jig@trustesolutions.net;kadele@wgllp.com
- 9 • D Edward Hays ehays@marshackhays.com,
ehays@ecf.courtdrive.com;kfrederick@ecf.courtdrive.com;cmendoza@marshackhays.com;
cmendoza@ecf.courtdrive.com
- 10 • Brandon J Iskander biskander@goeforlaw.com, kmurphy@goeforlaw.com
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- 14 • Valerie Smith claims@recoverycorp.com
- 15 • United States Trustee (SA) ustpregion16.sa.ecf@usdoj.gov

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